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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/759,406	01/12/2001	Keith A. Lowery	066241.0117	2308

7590 06/21/2005

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EXAMINER	
WON, MICHAEL YOUNG	
ART UNIT	**PAPER NUMBER**
2155	

DATE MAILED: 06/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/759,406	LOWERY ET AL.	
	Examiner	Art Unit	
	Michael Y. Won	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 May 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30,95-101 and 105* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-30,95-101 and 105* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This office action is in response to the amendment filed April 29, 2005 and RCE filed May 31, 2005.

2. Applicants' amendment and arguments have been fully considered but they are deemed to be moot in view of the new grounds of rejection.

3. Claims 95, 98, and 105 have been amended.

4. Claims 1-30, 95-101, and 105 have been examined and are pending with this action.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 16, and 101 are rejected under 35 U.S.C. 102(b) as being anticipated by Boyle (US 5,864,854 A).

As per ***claims 1, 16, and 101***, Boyle teaches of a method and a system for dynamic distributed data caching comprising logic and means for: providing a cache community on a first side of a point of presence, the cache community comprising at least one peer, each peer having associated first content portion (see col.3, lines 58-60: "entry") indicating content obtained from a second side of the point of presence to be cached by the respective peer (see abstract; Fig.5, steps 102→106→120→122; and col.1, line 64-col.2, line 9); allowing a client to join the cache community (see col.2, lines 5-9); updating peer list associated with the cache community to include the client (see col.3, lines 21-31, 35-38, and 55-57 and col.6, lines 55-58), the peer list indicating the peers in the cache community (see Fig.3 and col.4, lines 38-40); and associating a respective second content portion with each peer based on the addition of the client (see col.4, lines 9-13), the second content portion being distinct from the first content portion (inherent: see col.3, line 60-col.4, line 17).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 2-15 and 17-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyle (US 5,864,854 A) in view of Maggenti et al. (US 6,477,150 B1).

As per ***claims 2 and 17***, Boyle does not explicitly teach of further comprising: receiving a join request from the client; and determining whether allow the client join the cache community. Maggenti teaches of receiving a join request from the client (see col.10, lines 24-29; col.18, lines 36-37; and col.26, lines 65-66); and determining whether to allow the client join the cache community (see col.5, lines 34-37; col.12, lines 3-7; and col.31, lines 49-51).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Maggenti within the system of Boyle by implementing receiving a join request from the client and determining whether to allow the client join the cache community within the method and a system for dynamic distributed data caching because respectively, Boyle teaches that the "performance of each client typically improves as the group grows to include more clients, since data items can be obtained more quickly from another client in the group than from a server" (see col.2, lines 5-9) and teaches that the number of members of groups is "preferably selected such that the expected peak number of requests for any data item is not significantly delay by queuing (see col.5, lines 58-61). Therefore Boyle welcomes additional members, but not at the expense of losing performance.

As per ***claims 3 and 18***, Maggenti further teaches wherein the join request comprises a CRMSG_REQUESTTOJOIN data message (implicit: see col.10, lines 24-29; col.18, lines 36-37; and col.26, lines 65-66).

As per ***claims 4 and 19***, Boyle does not explicitly teach wherein allowing the client to join the cache community comprises: generating an allow message; associating

the peer with the allow message; and communicating the allow message to the client. Maggenti teaches of generating an allow message (see col.12, lines 3-7 and col.31, lines 49-51); associating the peer with the allow message (inherent); and communicating the allow message to the client (see col.12, lines 3-7 and col.31, lines 49-51).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Maggenti within the system of Boyle by implementing generating an allow message; associating the peer with the allow message; and communicating the allow message to the client within the method and a system for dynamic distributed data caching because Boyle teaches that the number of members of groups is "preferably selected such that the expected peak number of requests for any data item is not significantly delay by queuing (see col.5, lines 58-61) and by generating, associating, and communicating and acknowledgment is relayed back so that the client device can be notified.

As per ***claims 5 and 20***, Maggenti further teaches wherein allowing the client to join the cache community comprises: generating an allow message comprising the peer list updated to include the clients (see col.17, lines 47-52 and col.20, lines 8-14); communicating the allow message to the client (see claim 4 and 19 rejection above: redundant limitation); and communicating the allow message to at least one member associated with the cache community (see col.12, lines 16-28).

As per ***claims 6 and 21***, Maggenti further teaches wherein the allow message comprises a CRMSG_UPDATEPEERLIST data message (implicit: see col.12, lines 16-20).

As per ***claims 7 and 22***, Maggenti further teaches wherein peer list associated with the allow message comprises updated peer which includes the client (see col.12, lines 16-20).

As per ***claims 8 and 23***, Boyle further teaches wherein the point of presence is an ISP (implicit: see Fig.1 and col.2, lines 48-58).

As per ***claims 9 and 24***, Boyle further teaches wherein a one of the peers comprises a member (see col.3, lines 58-61).

As per ***claims 10 and 25***, Boyle does not explicitly teach wherein one of the peers comprises a master. Maggenti teaches of a master (see col.3, lines 58-65: "communication manager (CM)").

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Maggenti within the system of Boyle by implementing a master within the method and a system for dynamic distributed data caching because such an implementation provides centralized control for administering the functionalities.

As per ***claims 11 and 26***, Boyle further teaches wherein associating a respective second content portion comprises: allocating respective second content portions peers in the peer list (see Fig.2 and Fig.3); and updating an allocation table indicate the second content portion associated with the peers (see col.8, lines 59-62).

As per ***claims 12 and 27***, Boyle further teaches wherein the second content portions are distinct (implicit: see col.3, line 60-col.4, line 17: all the field may be distinct).

As per ***claims 13 and 28***, Boyle further teaches wherein at least two of the second content portions overlap (implicit: see col.3, line 60-col.4, line 17: some of the fields may be the same).

As per ***claims 14 and 29***, Boyle further teaches wherein the first and second content portions respectively comprise a plurality Internet Protocol domain names (see col.3, lines 60-48).

As per ***claims 15 and 30***, Boyle teaches of further comprising removing the association between the first content portions and the peers (inherent).

7. Claims 95-100 and 105 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maggenti et al. (US 6,477,150 B1) in view of Boyle (US 5,864,854 A).

As per ***claims 95, 98 and 105***, Maggenti teaches a method and a system comprising logic and means for: communicating a community request from a module to an administration module (see col.3, lines 55-63); receiving a community list from the administration module in response the community request, the community list including a list of communities (see col.5, lines 38-49); selecting one of the communities to attempt to join (see col.7, lines 43-46); generating a join request to attempt to join the selected communities (see col.10, lines 24-29; col.18, lines 36-37; and col.26, lines 65-

66); receiving an allow message associated with the one of the communities (see col.6, lines 64-66; col.12, lines 3-7; col.31, lines 49-51; and col.42, lines 48-50); receiving a peer list associated with the one the communities (see col.17, lines 47-52 and col.20, lines 8-14); receiving a content request (see col.3, lines 55-63 and col.4, lines 9-12); and storing content associated with the content request (see col.11, lines 20-23).

Maggenti does not explicitly teach that the method and system is employed for dynamic distributed data caching and wherein the module is a dynamic cache module. Boyle teaches of dynamic distributed data caching and wherein the module is a dynamic cache module (see col.1, line 64 to col.2, line 2). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Boyle within the system of Maggenti by implementing dynamic distributed data caching and a dynamic cache module because Boyle teaches that such implementation minimizes requests for data items outside each group and minimizes the service load on servers having popular data items" (see col.2, lines 14-17).

As per ***claims 96 and 99***, Maggenti further teaches wherein the community request comprises a CRMSG_WAKEUP data message (implicit: see col.13, lines 63-65).

As per ***claims 97 and 100***, Maggenti further teaches wherein the join request comprises a CRMSG_REQUESTTOJOIN data message (implicit: see col.10, lines 24-29; col.18, lines 36-37; and col.26, lines 65-66).

Response to Arguments

8. In response to the argument filed April 29, 2005 with respect to the amended claims 95, 98, and 105, specifically the limitation "communicating a community request from a dynamic cache module to an administration module, receiving a community list from the administration module in response to the community request, the community list including a list of communities, and selecting one of the communities to attempt to join", the combinational teachings of *Maggenti* et al. (US 6,477,150 B1) and *Boyle* (US 5,864,854 A) have been newly discovered to teach this limitation. See new grounds of rejection above.

With respect to the arguments of claims 1, 16, and 101, the combination of *Christensen* et la. (US 6,330,605 B1) and *McCane* (US 6,785,704 B1) are no longer relied upon to teach the limitations. Claims 1, 16, and 101 is anticipated by *Boyle* (US 5,864,854 A) and therefore rejected. See new grounds of rejection above.

For the reasons above, claims 1-30, 95-101, and 105 are rejected.

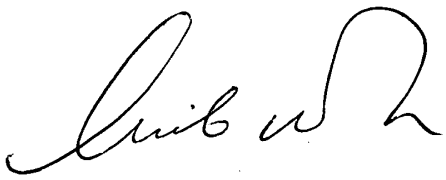
Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Y. Won whose telephone number is 571-272-3993. The examiner can normally be reached on M-Th: 7AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Won



June 14, 2005